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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,263	06/18/2004	Easley Wallace JR.	PR0032USPCT	9838

7590

12/20/2005

E.I. Du Pont De Nemours and Company
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Wilmington, DE 19805

EXAMINER

HESS, BRUCE H

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/500,263

Applicant(s)

WALLACE ET AL.

Examiner

Bruce H. Hess

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10-27-05 (Amendment).
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 and 11-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-7 and 11-25 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-25 is/are rejected.
- 7) ☐ Claim(s) 1-7 and 11-25 is/are objected to.
- 8) ☐ Claim(s) 1-7 and 11-25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 10-27-05 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. 10/500,263.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/27/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date 10/27/05
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: None

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Claims 1, 6, 11-13, 15, 16 and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over either of the patents to Hashimoto et al.(USP 4,783,375) or Ohno et al. (USP 4,806,422).

These patents teach image transfer elements comprising a support and a colorant layer which comprises a polymeric binder, a colorant, a surfactant and a metal salt (zinc acetate in Hashimoto et al. and sodium acetate in Ohno et al.). The experimental modification of this prior art in order to ascertain optimum operating conditions (e.g., determine compositional proportions) fails to render applicants' claims patentable in the absence of unexpected results.

Claims 1-7 and 11-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over either of the patents to Hashimoto et al. or Ohno et al. in view of the patent to Blanchet-Fincher (USP 6,146,792).

The primary references apply as per the preceding paragraph. The secondary reference teaches the advantages of employing light-to-heat conversion layers and ejection layers in image transfer elements. Use of these conventional layers for their concomitant function in the image transfer element of the primary reference would have been an obvious expedient to one of ordinary skill in this art in the absence of unexpected results.

The pertinent portions of these references are : Hashimoto et al. (column 6, lines 36-38; column 8, lines 63-66; column 9, lines 3, 8 and 14; column 10 lines 1-3 and column 11, lines 1-3) ; Ohno et al. (column 6, lines 31 and 32 and column 9, lines 8 and 9) ; and Blanchet-Fincher et al. (column 6, line 9 et seq. and column 10, line 32 et seq.)

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

A handwritten signature in black ink, appearing to read "Bruce Hess", is positioned above the typed name.

BRUCE H. HESS
PRIMARY EXAMINER
GROUP 1300